

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:16-cr-00019-RLY-MPB
)	
WILLIAM EARL BOLES, JR.,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On January 31, 2020, the Court held an Initial Appearance on a Warrant for Violation of Supervised Release. Defendant Boles appeared in person with his appointed counsel Michael Keating. The government appeared by Matthew Miller, Assistant United States Attorney. The United States Probation and Parole Office appeared by Officers Justin Driskill and Katrina Sanders.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Boles of his rights and provided him with a copy of the petition. Defendant Boles waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Boles admitted violation 1 ([Docket No. 27](#)).
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	1	<p>"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."</p> <p>On 01/10/2020, William Boles Jr. tested positive for marijuana. Mr. Boles admitted to last using marijuana on 01/04/2020.</p> <p>As previously reported to the Court, Mr. Boles tested positive for marijuana on the following dates: 07/07/2016, 05/02/2017, 05/09/2017, 12/12/2017, 01/04/2018 10/09/2018, 11/04/2019 and 12/16/2019. Furthermore, on 04/18/2019, Mr. Boles tested positive for opiates.</p>

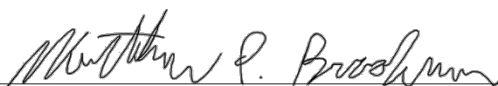
4. The parties stipulated that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is VI.
- (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 8-14 months' imprisonment.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he be sentenced to custody of the Attorney General or his designee for a period of thirty (30) days with credit for time served, and no further supervision upon release.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: February 3, 2020



Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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United States Probation Office, United States Marshal